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Attorneys for Plaintiffs
 JAREK MOLSKI
 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION,
 SERVICES: HELPING YOU
 HELP OTHERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and
 DISABILITY RIGHTS ENFORCEMENT,)
 EDUCATION, SERVICES:HELPING)
 YOU HELP OTHERS, a California public)
 benefit corporation,)
 Plaintiffs,)
 v.)
 SANTA CRUZ DINER INC., a California)
 corporation; GILBERT F. KIRCHNER, an)
 individual dba SANTA CRUZ DINER;)
 LACRETIA WRIGHT; LARRY D.)
 WRIGHT; GARY R. WRIGHT, JR.;)
 SHANA K. WRIGHT; and TONYA R.)
 JONES,)
 Defendants.)

CASE NO. C 04-2439 JW PVT
STIPULATION AND [PROPOSED]
ORDER CONTINUING THE PRE-
TRIAL CONFERENCE

Plaintiffs JAREK MOLSKI, an individual; and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION SERVICES: HELPING YOU HELP OTHERS, a California
 public benefit corporation, through their undersigned counsel, and defendants SANTA CRUZ
 DINER INC., GILBERT F. KIRCHNER, an individual dba SANTA CRUZ DINER, through
 their undersigned counsel, stipulate, and respectfully request as follows:

1 1. Plaintiffs obtained leave of Court and filed their First Amended Complaint in
2 order to include additional defendants LACRETIA WRIGHT, LARRY D. WRIGHT, GARY R.
3 WRIGHT, JR., SHANA K. WRIGHT and TONYA R. JONES, on August 4, 2005.

4 2. Plaintiffs accomplished service of process on these newly added defendants on or
5 about September 11, 2005.

6 3. On October 11, 2005, plaintiffs' counsel stipulated with counsel for the new
7 defendants, granting them an extension of time up to and including October 25, 2005 to answer
8 or otherwise respond to plaintiffs' complaint.

9 4. Currently, the pre-trial conference is on calendar for Monday, October 24, 2005.

10 5. Accordingly, the parties wish to continue the pre-trial conference in order to
11 provide the new defendants ample opportunity to answer or otherwise respond to plaintiffs'
12 complaint, and to properly prepare their defense for trial.

13 6. THEREFORE, the parties stipulate and respectfully request that the pre-trial
14 conference be continued for a period of approximately 120 days.

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1 This Stipulation may be executed in faxed counterparts, all of which together shall
2 constitute one original document.

3 IT IS SO STIPULATED.

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5 DATED: October 14, 2005

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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7
8 By: /s/ Thomas E. Frankovich
Thomas E. Frankovich
9 Attorneys for Plaintiffs JAREK MOLSKI and
10 DISABILITY RIGHTS ENFORCEMENT,
11 EDUCATION SERVICES: HELPING YOU HELP
OTHERS

12 DATED: October 14, 2005

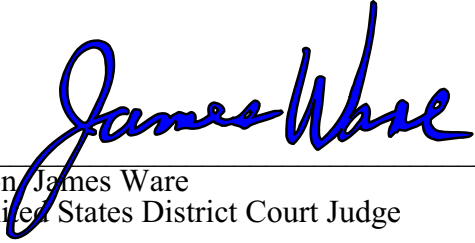
BORTON, PETRINI & CONRON, LLP

13
14 By: /s/ Samuel L. Phillips
15 Samuel L. Phillips
16 Attorney for Defendants SANTA CRUZ DINER
17 INC., a California corporation; GILBERT F.
18 KIRCHNER, an individual dba SANTA CRUZ
19 DINER

20 **ORDER**

21 IT IS SO ORDERED that the Pre-trial conference shall be continued from October 24,
22 2005, to February 27, 2006, at 11:00 a.m./p.m. The parties shall file their preliminary
23 pretrial and trial setting conference statement no later than ten (10) days prior to the conference.

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25 Dated: October 17, 2005



Hon. James Ware
United States District Court Judge